

**BEFORE THE MINNESOTA  
BOARD OF MARRIAGE  
AND FAMILY THERAPY**

In the Matter of  
Mary Kay Carle, L.M.F.T.  
License No. 0512

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Mary Kay Carle, ("Licensee"), and the Minnesota Board of Marriage and Family Therapy ("Board") as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board, from which she holds a license to practice marriage and family therapy in the State of Minnesota.

**FACTS**

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. From 1983 to 1992, Licensee's husband provided therapy to client #1. Client #1 sought therapy for anxiety, depression, and suicidal ideation and had a history of alcohol dependence. Licensee failed to maintain appropriate professional boundaries with client #1 in that Licensee and her husband used client #1's cabin in Wisconsin on several occasions, once using it for a party.

b. From 1985 to 1991, Licensee provided therapy off and on to client #2, her husband, and her children for parenting, family and marital issues. Most sessions with Licensee occurred during 1987 and 1988. Client #2's chart contains several client termination reports. A July 14, 1992 report indicates Licensee had one appointment with client #2 and her husband on July 29, 1991 and referred them to another program or therapist. With respect to client #2, the following occurred:

1) Licensee prepared a treatment plan for client #2's husband, but the chart contains no treatment plan for client #2.

2) client #2's chart contains no progress notes for the following dates on which Licensee provided services according to the billing ledger: 6/17/87, 1/15/90, and 7/29/91.

3) Licensee prepared three different sets of progress notes for sessions with client #2 and her husband for the time period of September 1987 to November 1987. Some progress notes, for the same dates, state that Licensee saw the couple alone while others state that Licensee and another female therapist saw the couple together. None of the notes are signed by the other named therapist. The billing ledger indicates that two separate \$80 sessions were billed on each of the eight dates of service during the period of September 15, 1987, to November 17, 1987. One session was billed at \$80 listing Licensee as the provider; the other session was billed at \$80 and listed the other therapist as the provider. Licensee told the investigator she got behind in her notes and did not always prepare progress notes in 1987 and 1988. Licensee stated she probably mistakenly duplicated her dictation when she went back to update the chart. Licensee also stated she and the other therapist saw the clients together so they each billed for the session with the clients' knowledge and consent.

4) Client #2 attended a shower for Licensee's daughter in 1991, attended Licensee's daughter's wedding, and was a friend of Licensee's. Client #2 chose Licensee as a therapist because Client #2 and Licensee were friends.

c. From 1988 to 1990, Licensee provided therapy to client #3 and her children. Licensee's husband was also providing marital therapy to client #3 and her husband. During therapy the following occurred:

1) Licensee failed to maintain accurate client records in that progress notes dated April 11, 1988, through June 13, 1988, are signed with Licensee's initials as the author but Licensee's husband was the treating therapist for those sessions according to the billing ledger.

2) Licensee's September 12, 1988, case note states that client #3 "called to ask me if I would have a lunch date with her to bring me up to date on what's



happening with [son]. At this luncheon she shared with me that she had met with Dr. . . . and he affirmed that there was no [physical] problem with [son]." Licensee told the investigator the lunch discussion was limited to issues involving client #3's son and was not a social lunch. Licensee added that she now sees how meeting clients for lunch could lead to boundary problems.

d. Beginning in October 1988, Licensee's husband provided therapy to client #4 and her husband for communication problems in their marriage. In 1990, Licensee began seeing the couples' two year old daughter for tantrums and separation anxiety. After Licensee began seeing the daughter, she became the primary therapist for client #4 and her husband. With respect to client #4 the following occurred:

1) Billing ledgers indicate Licensee billed for sessions on the following dates for which there are no corresponding progress notes:

2/5/90	5/1/91
2/19/90	5/14/91
4/10/91	5/22/91
4/16/91	6/5/91
4/18/91	6/11/91
4/23/91	6/27/91
4/24/91	

2) Client #4 started a catering service and Licensee proposed hiring client #4 to cater an office Christmas party. The plan was canceled after other staff therapists voiced opposition about the appropriateness of the arrangement. Licensee told the investigator that in retrospect she sees that it would not have been a good idea to hire a client.

e. In 1990, Licensee provided therapy to client #5 related to her son's eating habits. Licensee failed to maintain adequate records for client #5 as follows:

1) Client #5's chart contains no treatment plan.

2) Client #5's chart contains no progress notes for the following therapy session dates listed on the billing ledger for which Licensee is listed as the therapist providing services to client #5's son: 1/23/91, 1/30/91, 2/6/91, 2/21/91, 3/6/91, 3/13/91,

and 3/25/91. There is also no note for a \$75 phone consult noted in the billing ledger for 1/4/91. Licensee told the investigator the call related to a referral to a therapist in Wisconsin at the request of the child's parent.

f. Between 1985 and 1993, Licensee provided therapy to client #6 in approximately sixteen therapy sessions for relationship and parenting issues. With respect to client #6 the following occurred:

- 1) There are no intake notes or treatment plans in client #6's chart.
- 2) Licensee prepared two separate termination reports for client #6.

The first report, dated December 1, 1988, lists the client's first appointment as October 29, 1987, and her last appointment as July 25, 1988 and states she was seen for four appointments. The second report, dated October 2, 1990, lists the client's first appointment as October 29, 1985, and her last appointment as February 22, 1990, and states she was seen for five appointments. None of those dates correspond with dates on the progress notes in the file. The last progress note is for a session on October 27, 1993.

g. General practice and recordkeeping problems include the following:

- 1) On December 4, 1995, Licensee told the investigator she and other therapists at the clinic had grouped multiple sessions into one summary note for a time. Licensee stated that she now dictates her progress notes at the end of each day and prepares a note for each session.

- 2) Peer review forms noted that Licensee's charts needed improvement in the area of goal setting and treatment plans.

- 3) Staff therapists had concerns about Licensee's clinical skills including her failure to complete intake notes and case notes and her diagnostic skills. For example, the diagnosis of "Adjustment Reaction with Mixed Emotional Features" was taped to the desk in the office and was repeatedly used as the diagnosis for clients for insurance purposes.



4) Licensee told the investigator that in the past she occasionally met clients or former clients for coffee to say good-bye, observe the outcome of therapy, or affirm the person. Licensee did not believe such meetings ever impaired her objectivity. Licensee also stated that for the past five or six years she has not met with any clients outside the clinic setting after the issue was discussed at a staff meeting. Licensee stated she now recognizes that such meetings are not wise and could raise boundary issues.

### STATUTES

3. The Board views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. §§ 148B.07, subd. 4 and 148B.37, subd. 1(1) and (3); and Minn. R. 5300.0350, subps. 5, 5.F., 5.O., 5.S., 6, 6.B., 6.H. and 7 (1988) [Emergency]; Minn. R. 5300.0350, subps. 4, 5, 5.B. and 6 (1989) [Emergency]; and Minn. R. 5300.0350, subps. 4, 4.M., 4.N., 4.R., 5, 5.B., 5.G., 5.J, and 6 (1991), and Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify disciplinary action.

### REMEDY

4. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee does hereby consent that until further order of the Board, made after notice and hearing upon application by Licensee or upon the Board's own motion, the Board may make and enter an order **conditioning and restricting** Licensee's license to practice marriage and family therapy in the State of Minnesota as follows:

a. **Supervision.** Licensee shall practice marriage and family therapy only under the supervision of a supervising therapist approved in advance by the Complaint Panel from a list of names Licensee has submitted to the Board. Licensee shall have had no prior relationship with the supervisor but may use the same supervisor as she is using for her social work license. Licensee shall obtain a supervisor within one month of the date of this order and shall meet with the supervisor no less than two (2) hours per month for a period of eighteen (18) months. Licensee shall successfully complete supervision, as determined by the

Complaint Panel. The purpose of the meetings is to review Licensee's cases, with particular attention to Licensee's performance and progress in the following areas:

- 1) Licensee's diagnoses for clients;
- 2) Licensee's formulation of goals for therapy;
- 3) Planning for and implementation of goals for therapy/services;
- 4) Evidence of client progress toward achieving stated goals of therapy;
- 5) Licensee's record-keeping;
- 6) Licensee's ability to establish and maintain appropriate boundaries;
- 7) Licensee's ability to recognize and avoid dual relationships with clients;
- 8) Licensee's ability to recognize and manage ethical issues encountered in her practice; and
- 9) Licensee's efforts and ability to facilitate client self-determination and appropriate termination.

b. **Reports from supervisor.** The supervisor shall submit a written report to the Board every two months and at the time Licensee petitions to have the conditions removed from her license. The first report is due two months after the date of service of this Stipulation and Order, and all subsequent reports must be submitted the first day of the month in which they are due. Reports must provide and/or address:

- 1) In the first report, evidence that Licensee's supervisor has received a copy of the Stipulation and Order;
- 2) The dates on which supervision took place;
- 3) The method by which supervision was conducted;
- 4) A description of the cases reviewed, any problems which were discovered in the review and the resolution of the problems;



5) The supervisor's opinion as to Licensee's ability to provide competent services; and

6) Any other information which the supervisor believes would assist the Board in its ultimate review of this matter.

c. **Education.** Licensee shall successfully complete a minimum of six (6) credits of continuing education on marriage and family therapy ethics and professional boundaries. Licensee shall successfully complete a minimum of three (3) credits of continuing education on recordkeeping. Licensee shall successfully complete a minimum of six (6) credits of continuing education on the use of the Diagnostic and Statistical Manual of Mental Disorders--Fourth Edition (DSM-IV) for assessing and diagnosing clients. Licensee shall obtain prior approval of the courses from the Complaint Panel. Successful completion shall be determined by the Board and must be accomplished within one year from the date of service of this Stipulation and Order. The courses may count toward Licensee's continuing education requirements set out in Minn. R. 5300.0320.

d. **Costs.** Licensee shall pay to the Board the amount of \$1,500.00 in partial reimbursement for the Board's investigative costs. This payment shall be due within ninety (90) days of the date of service of this Stipulation and Order.

5. Licensee is responsible for all costs she incurs as a result of this Stipulation and Order.

6. Licensee's consent to this Stipulation and Order constitutes authorization for the Board to communicate (both in writing and orally) with the supervising therapist regarding the Board's concerns and Licensee's progress. The Board may communicate with the supervisor before, during, and after the course of supervision. The Board's communication may include the release of any relevant records to the supervisor.

7. Licensee may petition the Board for removal of the conditions and restrictions after completion of her eighteen (18) months of supervision, except that Licensee may petition earlier if the supervisor recommends that further supervision is not necessary. However,

Licensee must complete a minimum of one year of the supervised practice. Any petition submitted in accordance with this paragraph shall be considered by the Board in its first regular meeting after the petition's receipt provided that the petition is received at least twenty (20) days before the meeting. The Board may remove, amend, or continue the conditions attached to the license of Licensee.

8. If the Board receives additional complaints similar to the facts described herein, the Board may, in its discretion, reopen any closed or dismissed complaints, including the complaint which resulted in the discipline herein, and proceed according to the Board's practice act and Minnesota Statutes chapters 214 and 14.

9. If Licensee fails to comply fully with any term, condition or requirement herein, or if at any time during the period of conditional licensure the Board receives evidence that Licensee has engaged in acts or omissions in violation of Minn. Stat. § 148B.37, the same shall authorize and empower the Board to immediately suspend Licensee's license for an indefinite period of time upon written notice by the Board.

10. The existence of any such violation or cause shall be determined by a hearing before the Board during a regular or special meeting of the Board. Licensee shall be given not less than thirty (30) days notice of the hearing. The notice shall specify all allegations and shall be accompanied by copies of all supporting documents and any written statements to be submitted to the Board. Licensee shall submit any documents and written statements no later than ten (10) days before the hearing and shall have the opportunity to address the Board at the hearing. The Board's decision shall be based upon its judgment as to the preponderance of the evidence.

11. Any decision of the Board under the paragraph indefinitely suspending Licensee's license shall be final and binding upon Licensee. Licensee shall not petition the Board for reinstatement earlier than one year from the date of any such suspension.

12. This stipulation shall not in any way or manner limit or affect the authority of the Board to proceed against Licensee by initiating a contested case hearing or by other



appropriate means on the basis of any act, conduct, or omission of Licensee justifying disciplinary action which occurred before or after the date of this stipulation and which is not directly related to the specific facts and circumstances set forth herein, nor does this stipulation in any way limit or affect the Board's authority to seek injunctive relief or criminal sanctions against Licensee for any violation of Minn. Stat. § 148B.32 occurring after the effective date of the order herein.

13. In the event the Board in its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, then, and in that event, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter.

14. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

15. In the event Licensee should leave Minnesota to reside or practice outside the state, Licensee shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Licensee's suspended, limited, or conditioned license in Minnesota unless Licensee demonstrates that practice in another state conforms completely with Licensee's Minnesota license to practice marriage and family therapy.

16. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. *Licensee has decided to proceed without legal representation in this matter.* ~~Licensee has chosen to be represented by Gregory G. Scott of the law firm of Messerli & Kramer P.A. EC~~

17. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.


18. Licensee hereby acknowledges that she has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges that she is fully aware that the stipulation shall be approved by the Board. The Board may either approve the Stipulation and Order as proposed, approve the Stipulation and Order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein.

19. This Stipulation and Order constitutes a disciplinary action against the Licensee.

20. This Stipulation and Order, including all materials attached and incorporated by reference, shall be deemed to be a public document and will be sent to all appropriate data banks.



21. This stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

  
MARY KAY CARLE, L.M.F.T.  
Licensee

Dated: 4-14-98

N/A  
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~~Attorney for Licensee~~

~~Dated: \_\_\_\_\_~~

  
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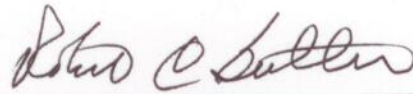
Attorney for Complaint  
Panel

Dated: 4/23/98

**ORDER**

Upon consideration of this stipulation and all the files, records, and proceedings herein,  
IT IS HEREBY ORDERED that the terms of this stipulation are adopted and  
implemented by the Board this 15<sup>th</sup> day of May, 1998.

MINNESOTA BOARD OF  
MARRIAGE AND FAMILY THERAPY



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ROBERT C. BUTLER  
Executive Director  
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